

REMARKS

Reconsideration and withdrawal of the rejections of the claimed invention is respectfully requested in view of the amendments, remarks and enclosures herewith, which place the application in condition for allowance.

I. STATUS OF CLAIMS AND FORMAL MATTERS

Claims 1-10 are pending in this application. New claim 11 has been added which is a collection of the elements represented by claims 5-8 and 10. Note: The term “autogenous seed catalyst” is defined by the applicants in page 5, line 13 – page 6, line 7 of the specification (or paragraph [0017] of the publication of this application). No new matter has been added by this amendment.

It is submitted that the claims, herewith and as originally presented, are patentably distinct over the prior art cited in the Office Action, and that these claims were in full compliance with the requirements of 35 U.S.C. § 112.

II. FILING OF FOREIGN PRIORITY DOCUMENT

Applicants are unclear why the certified copy of the priority document (KR 10-2003-0020858) is missing as this application is a National Phase application of PCT/KR04/00745 which does have a copy of this document. In order to advance prosecution, a duplicate copy is being filed concurrently with this response.

III. THE 35 U.S.C. 112, 1st PARAGRAPH REJECTION HAS BEEN OVERCOME

Claim 7 was rejected as allegedly lacking adequate written description. The applicants are uncertain as to the nature of this rejection as the lower range of 1 atm is in the original claim and in the specification (see paragraph [0019] of the publication of this application) and as such shows adequate description and possession of the invention by the applicants.

With regard to an exemplification at 1 atm, it is noted that “there is a strong presumption that an adequate written description of the claimed invention is present when the application is filed. *In re Wertheim*, 541 F.2d 257, 263, 191 USPQ 90, 97 (CCPA 1976) (“we are of the opinion that the PTO has the initial burden of presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims”), see also MPEP 2163, section I. A. There is nothing in the record which suggests this strong presumption has been overcome as there is no underlying basis for the statement that the “this pressure [of 1 atm] appears impossible”.

If the rejection was intended as a lack of enablement rejection, there was no *Wands*-factor analysis for asserting lack of enablement and in any event there is no set number of exemplifications which are necessary to meet the enablement requirement (in certain instance, even no examples are necessary).

IV. THE 35 U.S.C. 102(e)/103(a) REJECTION HAS BEEN OVERCOME

Claims 1-3 and 5-8 were rejected as allegedly being anticipated by Kawakami, et al. (U.S. 7,001,581 – "Kawakami").

Claims 1-10 were rejected as allegedly being obvious by Kawakami. The applicants request reconsideration of this rejection for the following reasons.

In light of the amendment to the claims, Kawakami does not teach or suggest that the carbon nanotube is prepared using an autogenous seed catalyst which is a metal-containing acid salt wherein the acid is selected from the group consisting of acetic acid, hydrochloric acid, sulfuric acid and nitric acid.


The autogenous seed catalyst is defined by the applicants in page 5, line 13 – page 6, line 7 of the specification (or paragraph [0017] of the publication of this application) and means a seed catalyst which is spontaneously generated by controlling heating rate and pressurizing the liquid-phased hydrocarbon based material.

Therefore, the claims as amended are neither anticipated nor rendered obvious by Kawakami.

CONCLUSION

In view of the remarks and amendments herewith, the application is believed to be in condition for allowance. Favorable reconsideration of the application and prompt issuance of a Notice of Allowance are earnestly solicited. The undersigned looks forward to hearing favorably from the Examiner at an early date, and, the Examiner is invited to telephonically contact the undersigned to advance prosecution. The Commission is authorized to charge any fee occasioned by this paper, or credit any overpayment of such fees, to Deposit Account No. 50-0320.

Respectfully submitted,
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